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Attorneys for Defendants

FORTY NINERS FOOTBALL COMPANY LLC
(Erroneously sued as SAN FRANCISCO FORTY-
FORTY NINERS) and the CITY AND COUNTY
OF SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STEVEN GATTO,

Plaintiff,

v.

CITY OF SAN FRANCISCO, SAN
FRANCISCO POLICE DEPARTMENT,
the SAN FRANCISCO FORTY-NINERS,
and DOES 1, 3-10 in their individual
capacities,

Defendants.

Case No. 13-CV-5158-TEH

**STIPULATION AND ~~PROPOSED~~ ORDER
TO VACATE SETTLEMENT CONFERENCE**

STIPULATION

The parties to the above-entitled, by and through their attorneys of record, hereby stipulate to vacate the settlement conference set for August 31, 2015 and to proceed with a mandatory settlement conference after the parties' motions for summary judgment are ruled on.

The parties attended a Case Management Conference with Judge Henderson on July 20, 2015. At that time, the Court set the trial in this matter for December 15, 2015 and set a pretrial conference for November 30, 2015. Additionally, Judge Henderson ordered the parties to attend a mandatory settlement conference before Magistrate Judge Westmore no later than 5 calendar

1 days before the pretrial conference.

2 The parties expressed to Judge Henderson that after further discussion between counsel,
3 the parties would like to forego the settlement conference set for August 31, 2015 and proceed
4 only with the mandatory settlement conference after the parties' motions for summary judgment
5 are ruled on. The parties believe that a ruling on the motions for summary judgment is necessary
6 before the parties can engage in meaningful settlement discussions. Both parties have agreed to
7 file their motion for summary judgment by July 31, 2015 and the hearing will be set for early
8 September.

9 Judge Henderson advised that the parties should inform Magistrate Judge Westmore of
10 their request to forego the settlement conference set for August 31, 2015 and proceed only with
11 the mandatory settlement conference at a date closer to the pretrial conference. Judge Henderson
12 stated that he would leave the decision regarding the settlement conference up to Magistrate
13 Judge Westmore and the parties.

14 Accordingly, the parties now request that Magistrate Judge Westmore permit the parties to
15 vacate the settlement conference currently set for August 31, 2015 and proceed only with the
16 mandatory settlement conference. The parties will be in a better position to discuss settlement
17 after the motions for summary judgment are ruled upon because the parties will know the Court's
18 position on the legal issues that are currently contested. Additionally, waiting to attend a
19 mandatory settlement conference after the motions are ruled on could conserve judicial resources
20 because a settlement conference will no longer be necessary if the Court grants defendants'
21 motion.

22 Furthermore, counsel for plaintiff is unavailable on August 31, 2015 due to a scheduling
23 conflict. Thus, in the event Magistrate Judge Westmore is not willing to vacate the settlement

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conference and wait until the mandatory settlement conference, the parties request that the settlement conference be continued to a mutually available date.

DATED: July 24, 2015

WISEMAN LAW GROUP, P.C.

By: /s/ Joseph J. Wiseman

JOSEPH J. WISEMAN
Attorneys for Plaintiff
STEVEN GATTO

DATED: July 24, 2015

LOMBARDI, LOPER & CONANT, LLP

By: /s/ Kara A. Abelson

KARA A. ABELSON
Attorneys for Defendants
FORTY NINERS FOOTBALL
COMPANY LLC and CITY AND COUNTY
OF SAN FRANCISCO

ORDER

WHEREAS, good cause exists for the relief requested herein, IT IS ORDERED that the settlement conference currently set for August 31, 2015 is vacated. The parties will attend a mandatory settlement conference after the parties' motions for summary judgment are heard in compliance with Honorable Thelton Henderson's Order for Pretrial Preparation.

IT IS SO ORDERED

DATED: 7/27/15



Magistrate Judge Kandis A. Westmore